

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VICTOR JOE,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

Case No. C18-1742 RAJ-BAT

**REPORT AND  
RECOMMENDATION**

On November 29, 2018, plaintiff filed a deficient 28 U.S.C. § 1983 civil rights complaint against the City of Seattle. Dkt. 4. Because plaintiff proceeds *pro se*, the Court granted him leave to file an **amended complaint** by **December 26, 2018**. Plaintiff was advised that if he did not submit an amended complaint by that date curing the deficiencies the Court noted, the complaint will be dismissed.

**DISCUSSION**

In order to state a claim for relief under § 1983 plaintiff must show (1) his federal constitutional or federal statutory rights were violated, (2) the violation was caused by a state actor, (3) and the violation harmed him. *See Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). Here, plaintiff provides no information about what rights were violated, who violated his rights, or when the violation occurred. The complaint lacks a “Statement of Claim”; it contains

1 however a request “[t]o get compensation for the unlawful arrest and unlawful detainment as to  
2 pain and suffering.” To avoid dismissal, the Court in its order declining service, Dkt., 5, directed  
3 plaintiff to file an **Amended Complaint addressing the following deficiencies:**

4 (1) The Court indicated it assumed that plaintiff seeks to sue law enforcement officers  
5 in light of his reference to an unlawful arrest and detention. Plaintiff was directed to name the  
6 officers, what they did, where the acts occurred, the date of the acts, and what injury plaintiff  
7 suffered. Plaintiff was also directed to name the law enforcement agencies that the officers work  
8 for.

9 (2) The Court indicated that plaintiff names the City of Seattle as a defendant but  
10 does not explain why or how the City is liable. To sue the City, the amended complaint must  
11 contain facts that show the City has an official custom or policy that permits led to his unlawful  
12 arrest, and the City’s employees or agents acted through this official custom, pattern or policy, or  
13 that the City ratified the unlawful conduct.

14 (3) The Court directed plaintiff to file an amended complaint that addresses the  
15 deficiencies discussed above by **December 26, 2018. The amended complaint must carry the**  
16 **same case number as this one.** If plaintiff does not file an amended complaint by December 26,  
17 2018, the Court advised plaintiff that it will recommend the complaint be dismissed.

18 As of this date, the Court has not received an amended complaint from plaintiff curing  
19 the deficiencies that are noted above, or any other communication such as a request for more  
20 time to file an amended complaint. The Court accordingly recommends the matter be  
21 DISMISSED without prejudice.

## 22 CONCLUSION

23 The Court recommends this matter be dismissed without prejudice. Any objections to this

1 Recommendation must be filed no later than **Tuesday, January 16, 2019**. The Clerk should  
2 note the matter for **Friday, January 18, 2019**, as ready for the District Judge's consideration if  
3 no objection is filed. Objections shall not exceed 7 pages. The failure to timely object may affect  
4 the right to appeal.

5 The Clerk shall provide a copy of this order to plaintiff and the assigned District Judge.

6 DATED this 2nd day of January, 2019.

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10 BRIAN A. TSUCHIDA  
11 United States Magistrate Judge  
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